

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

**JOHN FINDLEY**  
**888 Ballou Street**  
**Herndon, VA 20170**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA**

**Serve: Hon. Merrick B. Garland**  
**Attorney General**  
**Department of Justice, Room 4400**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**and**

**Jessica D. Aber, Esq.**  
**United States Attorney**  
**Eastern District of Virginia**  
**2100 Jamieson Avenue**  
**Alexandria, VA 22314**

**Defendant.**

**COMPLAINT**  
**(FTCA: USPS Mail Truck Negligently Strikes Cyclist)**

**JURISDICTION AND VENUE**

1. Jurisdiction is conferred upon this Court pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671-2780.

2. Venue is proper in this Court pursuant to the provisions of 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim (*i.e.*, the crash described *infra* at ¶¶ 9-20) occurred in this judicial district.

3. By letter dated August 3, 2020, Plaintiff submitted a claim (via Standard Form 95) to the United States Postal Service for the claims and damages described herein.

4. By letter dated November 13, 2020, the United States Postal Service acknowledged receipt of Plaintiff's claim.

5. Despite the passage of more than six months since Plaintiff's claim was filed, the United States Postal Service has failed to make final disposition of the claim.

6. In compliance with 28 U.S.C. 2675(a), Plaintiff has elected to commence this action under 28 U.S.C. 2674.

### **PARTIES**

7. Plaintiff, John Findley, is an adult resident of the Commonwealth of Virginia.

8. Defendant, The United States of America, is subject to suit under the FTCA for the negligent or wrongful acts and/or omissions of its agents, servants, employees and/or personal service contractors, including but not limited to members of the United States Postal Service ("USPS").

9. At the time of the events described herein, Ramiro F. Pomarino was operating a USPS vehicle within the course and scope of his employment by the USPS.

### **FACTS**

10. On June 21, 2020, at approximately 12:20 p.m., Mr. Findley was riding his bicycle northbound on Algonkian Parkway in Loudoun County, Virginia.

11. As Mr. Findley passed through Algonkian Parkway's intersection with Great Falls Forest Drive, a USPS vehicle driven by Ramiro F. Pomarino, traveling westbound on Great Falls Forest Drive, blew through a stop sign and crashed into Mr. Findley.

12. The force of the impact threw Mr. Findley off his bicycle and onto the pavement.

13. As a direct result of the collision, Mr. Findley suffered serious injuries, some or all of which are permanent in nature, including without limitation lacerations to his right ear, fractured ribs, facial contusions, and injuries to his right shoulder and neck.

14. As a further direct result of the collision, Mr. Findley has incurred, and will continue to incur, substantial medical bills and expenses associated with the treatment of his injuries and has suffered, and will continue to suffer, significant physical pain, emotional anguish, diminished quality of life, and other damages.

**COUNT I**  
**(Negligent Operation of USPS Vehicle)**

15. Plaintiff incorporates by reference the foregoing paragraphs and further alleges that at all times relevant herein, Mr. Pomarino owed Plaintiff and other users of the road a duty to operate his vehicle with reasonable care and in a safe, prudent, and appropriate manner consistent with motor vehicle safety and traffic laws then and there in effect.

16. Mr. Pomarino breached this duty in all or some of the following ways:

- a. by failing to pay full time and attention to the operation of the vehicle;

- b. by failing to operate the vehicle at a safe speed under the conditions;
- c. by failing to keep a proper lookout under the conditions;
- d. by failing to maintain proper control of the vehicle;
- e. by failing to stop at a stop sign;
- f. by failing to timely apply brakes or otherwise take appropriate actions to avoid or minimize the effects of the collision; and
- g. by otherwise failing to adhere to the applicable traffic and motor vehicle regulations then and there in effect.

17. As a direct and proximate result of Mr. Pomarino's negligence, Plaintiff suffered the injuries and damages set forth above.

WHEREFORE, Plaintiff, John Findley, demands compensatory damages from Defendant, United States of America, in the full and just amount of Two Million Twenty-Five Thousand Dollars (\$2,025,000.00), plus interest and costs.

**JURY TRIAL DEMAND**

Plaintiff hereby requests a jury trial on all of the above claims.

Respectfully submitted,

REGAN ZAMBRI LONG, PLLC

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